

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DEBORAH WELLS, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
v.                     ) CASE NO. 04-CV-10164-MEL  
                        )  
                        )  
HALLMARK HEALTH SYSTEM, INC. )  
                        )  
                        )  
Defendant.         )  
                        )  
                        )

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JOINT MOTION TO AMEND SCHEDULING ORDER

The Parties hereby jointly move the Court to amend the Scheduling Order in this case to: 1) extend the discovery period to May 31, 2006; 2) extend the period for service of Rule 56 Motions to July 31, 2006; 3) extend the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extend the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

As grounds for this Motion, the Parties state as follows:

1. The prosecution of this case has been hindered by personal tragedy of no fault of the parties.
2. Initially, the case was effectively stayed for nearly the entire year of 2005 due to the Plaintiff's former counsel's stroke and brain cancer diagnosis. These illnesses caused the Plaintiff's former counsel, who recently passed

away, to cease all activities related to his law practice, and precluded the parties from the conducting any discovery or other substantive case activity.

3. Although the Plaintiff thereafter retained Charles P. Kazarian, Esq. to appear in this matter on her behalf as successor counsel, the Plaintiff's mother's continuing grave illness has required the Plaintiff's constant care and attention. As such, the Plaintiff has been and remains unable to attend to this matter in any substantive way, but believes that the additional time sought will allow her to effectively participate in concluding discovery.

4. The Parties jointly bring this motion and agree that it will allow them to conclude the litigation of this case in a reasonable, fair, just and humane manner.

WHEREFORE, the Parties respectfully request that the Court enter an order: 1) extending the discovery period to May 31, 2006; 2) extending the period for service of Rule 56 Motions to July 31, 2006; 3) extending the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extending the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

Respectfully submitted,

The Plaintiff,

DEBORAH WELLS,

By her attorney,

s/Charles P. Kazarian  
Charles P. Kazarian  
(BBO #262660)  
Law Offices of Charles P.  
Kazarian, P.C.  
77 North Washington Street  
Boston, MA 02114  
(617) 723-6676

The Defendant,

HALLMARK HEALTH SYSTEM,  
INC.,

By its attorneys,

s/John M. Simon  
Macon Magee (BBO #550602)  
John M. Simon (BBO #645557)  
Stoneman, Chandler & Miller  
99 High Street  
Boston, MA 02110  
(617) 542-6789

Dated: February 24, 2006